

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Miller et al.	)	Examiner:
			)	Sarae Bausch
Serial No.	:	10/541,044	)	
			)	Art Unit:
Cnfrm. No.	:	1984	)	1634
			)	
Filed	:	January 1, 2004	)	
			)	
For	:	HYBRIDIZATION-BASED BIOSENSOR	)	
		CONTAINING HAIRPIN PROBES AND USE	)	
		THEREOF	)	
			)	

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**RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENTS**

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This submission is in response to the restriction requirement mailed January 28, 2008. In response to the restriction requirement, applicants hereby elect with traverse the subject matter of Group I (*i.e.*, claims 1–28 and 37–43, drawn to a sensor chip and a nucleic acid probe, respectively). Applicants traverse the restriction requirement on the basis that all groups, particularly groups I-III, are closely related and can be searched without undue burden. In particular, the subject matter of Groups II and III requires the sensor chip of claim 1 (*i.e.*, claim 29 recites the sensor chip in combination with other components and claim 44 recites its use). As such, these groups are sufficiently related that the restriction requirement should be withdrawn.

To the extent that the PTO refuses to rejoin Groups II and III at this time, then applicants respectfully request rejoinder in the future should the PTO identify allowable subject matter of Group I.

In response to the election of species requirement, applicants hereby elect SEQ ID NO: 1 with traverse. Claims reading on the elected species include claims 1–28 and 37–43. Applicants traverse the election of species requirement on the basis that the eleven species are not so numerous as to impose undue burden on the PTO.

Finally, it is noted that an Information Disclosure Statement was filed on April 6, 2007. Applicants respectfully request that a signed and initialed copy of the PTO/SB08A form be returned with the next PTO communication.

Respectfully submitted,

Date: July 28, 2008

/Edwin V. Merkel/  
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